

HOUSE BILL NO. 1231

Introduced by

Representatives Dockter, O'Brien, M. Ruby, Weisz

1 A BILL for an Act to create and enact section 12.1-32-15.1 of the North Dakota Century Code,
2 relating to a petition for relief from requiring a sexual offender to register; and to provide for
3 application.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** Section 12.1-32-15.1 of the North Dakota Century Code is created and
6 enacted as follows:

7 **12.1-32-15.1. Petition for relief from registration requirement.**

- 8 1. As used in this section, "sexual offender" has the same meaning provided in section
9 12.1-32-15.
- 10 2. After seven years of registration, a sexual offender assigned a low-risk level by the
11 attorney general may petition the sentencing court or the district court for the district in
12 which the offender resides for an order relieving the offender of the duty to register.
- 13 3. The petition must be served on the state's attorney in the county in which the petition
14 is filed. Before a hearing on the petition, the state's attorney shall mail a copy of the
15 petition to the victim of the last offense for which the sexual offender was convicted if
16 the victim's address is reasonably available. The court shall consider any written or
17 oral statements of the victim. The court may grant the petition on finding that:
- 18 a. The sexual offender has maintained a clean record during the offender's period of
19 registration; and
- 20 b. Continued registration is not necessary for public protection and that relief from
21 registration is in the best interests of society.
- 22 4. A finding that the sexual offender has maintained a clean record means during the
23 period the sexual offender was required to register as a sexual offender, the offender:
- 24 a. Was not convicted of a felony offense;

- 1 **b.** Was not convicted of a sexual offense;
2 **c.** Successfully completed, without revocation, a period of supervised release,
3 probation, or parole; and
4 **d.** Has successfully completed any court-ordered sexual offender treatment
5 program and any other court-ordered treatment program, if any. This subdivision
6 applies to any sexual offender treatment program completed regardless of
7 whether the program was completed while the sexual offender was incarcerated,
8 released, on parole, or on probation.
9 **5.** The sexual offender may move that all or part of the hearing on the petition be closed
10 to the public, or the court may close the hearing on the court's own motion.
11 **a.** If the hearing is closed to the public, the court shall allow a victim of the offense
12 to be present unless the court determines exclusion of the victim is necessary:
13 (1) To protect the offender's right to privacy; or
14 (2) For the safety of the victim.
15 **b.** If the victim is present, the court shall allow the presence of an individual to
16 provide support to the victim, at the victim's request, unless the court determines
17 exclusion of the individual is necessary to protect the offender's right to privacy.

18 **SECTION 2. APPLICATION.** This Act applies to a sexual offender who has complied with
19 the registration requirements under section 12.1-32-15 for at least seven years before the
20 effective date of this Act or who reaches seven years of compliance after the effective date of
21 this Act.